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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,097	12/21/2001	Muralidharan Ramaswamy	US010696	3447

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EXAMINER	
O STEEN, DAVID R	
ART UNIT	**PAPER NUMBER**
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/029,097	RAMASWAMY, MURALIDHARAN	
	Examiner	Art Unit	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *4-3-2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination

1. In view of the Appeal Brief filed on January 11, 2007, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Andrew Koenig.

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER
ACTING SPE-AU 2623

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In figure 2 and figure 4 of the applicant's drawings, submitted to the office on December 21, 2001, it appears that "second processor suitable for receiving an audio/video signal," as described in lines 19-23 of Claim 1 found on page 11 of the Claims Appendix actually refers to a processor located in a set-top box (such as is disclosed in figure 4). Figure 2, which is a handheld device, has only one processor. Appropriate correction to Claim 1 is required to make clear the exact placement of the second processor.

Claims 1 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the content" in line 7 of Claim 1 found on page 11 of the Claims Appendix. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 also recites the limitation "the entered time" in line 8 of Claim 1 found on page 11 of the Claims Appendix. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the content" in line 5 of Claim 12 found on page 13 of the Claims Appendix. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 also recites the limitation "the entered time" in line 6 of Claim 12 found on page 13 of the Claims Appendix. There is insufficient antecedent basis for this limitation in the claim.

For the purposes of the USC 103 rejections of Claims 1 and 12, the examiner has read "the content" to mean the reminder information and time and "the entered time" to mean the time associated with the event of the reminder message entered by the user.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 3, 5-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (US 5,214,622) in view of Lawler (5,699,107) and in further view of IBM TDB (0018-8689-37-1-609).

As regards Claims 1 and 12, Nemoto discloses an apparatus for providing a reminder message to a display comprising: a handheld device comprising an input device for entering a reminder message (fig. 4.26 and col. 6, lines 49-54) and a transmitter for wirelessly transmitting a signal (fig. 4.51 and col. 7, lines 5-10); a memory device for storing reminder messages (figs. 2.1 and 4.15 and cols. 4 and 6, lines 61-67 and 45-49); a first processor operatively connected to said memory device for retrieving reminder messages from said memory device at the time selected for display of the reminder information and for processing the reminder message to generate a display signal for each retrieved reminder message, the display signal being capable to cause a message corresponding to the respective message to be displayed on a display (fig. 2.2 and cols. 4 and 5, lines 61-67 and 13-18); a second processor (fig. 2.7) suitable for receiving an audio/video signal (fig. 2.6) and for processing the received audio/video signal for presentation on a television display, and for receiving the display signal from said first data processor and for causing the reminder information to be displayed on the television display so that it is superimposed on at least a portion of the audio/video signal (fig. 1.11) presented on the television display (fig. 2.8) (col. 5, lines 18-22), at the time determined for display of the reminder information (col. 5, lines 13-18). Nemoto, however, fails to disclose the reminder message comprising reminder information and a time and determining a reminder message time based on the content of the reminder

information from the entered time. Lawler discloses the reminder message comprising reminder information and a time (such as the name of the program, "Star Trek," and the channel it is on, WPIX, Figs. 9.154 and 9.152)

At the time of the invention it would have been obvious for one skilled in the art to combine the time presentation of Lawler, an analogous art, with the reminder system of Nemoto because showing the time reminds the user of the time of the event.

Nemoto and Lawler, however, fail to disclose determining a reminder message time based on the content of the reminder information from the entered time. The IBM TDB '609 does disclose determining a reminder message time based on the content of the reminder information from the entered time (see disclosure text).

At the time of the invention, it would have been obvious to one skilled in the combine the determining for the reminder message time, as done in IBM TDB '609, an analogous art, with the reminder system of Nemoto and Lawler so that the user is given an appropriate amount of time to prepare for an event.

As regards Claims 2 and 13, Nemoto discloses that said memory device for storing reminder messages and said first data processor reside in said handheld device (fig. 4.15 and col. 6, lines 45-49)

As regards Claims 3 and 14, Nemoto discloses said memory device for storing reminder messages resides in a set top box (fig. 2.1 and col. 4, lines 61-67).

As regards Claim 5, Nemoto discloses that the handheld device comprises a keyboard for entering alphanumeric data (fig. 3.26 and col. 6, lines 49-50).

As regards Claims 6, 7, and 16 Nemoto discloses means for allowing stored reminder messages to be displayed on a display for editing of the reminder messages (col. 11, lines 48-51).

As regards Claims 8 and 17, Nemoto discloses that said handheld device further comprises a display, and means for allowing a user to view the alphanumeric data as the user enters it with said keyboard (col. 7, lines 11-18).

As regards Claims 9 and 18, Nemoto discloses that the stored reminder messages are capable of being displayed on said display of the handheld device for editing of the reminder messages (col. 7, lines 11-18).

As regards Claims 10 and 19, Nemoto discloses that the stored reminder messages are capable of being displayed on the television display for editing of the reminder messages (col. 11, lines 36-54).

As regards Claims 11 and 20, Lawler discloses that the reminder information comprises text (such as "Star Trek", fig. 9.154) and an image (such as the 5 Reminder Banner, fig. 9).

At the time of the invention, it would have been obvious to one skilled in the art to combine the text and image display of Lawler, an analogous art, with the reminder system of Nemoto to make the reminder more visually stimulating to the user.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (US 5,214,622) in view of Lawler (5,699,107) and in further view of IBM TDB (0018-8689-37-1-609) and in further view of Allen (US 6,259,891).

As regards Claims 4 and 15, Nemoto and Lawler jointly disclose the apparatus and method of Claims 1 and 12 but fail to disclose that the message corresponding to a retrieved reminder message is transmitted to and displayed on the television display as text in a closed caption television. Allen discloses that the message corresponding to a retrieved reminder message is transmitted to and displayed on the television display as text in a closed caption television (col. 7, lines 21-29).

At the time of invention, it would have been obvious to a person ordinarily skilled in the art to use closed captioning to display reminder messages, as done in Allen, an analogous art, to the reminder system of Nemoto and Lawler because closed captioning is an industry standard and commonly implemented on televisions and set-top boxes.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (US 5,214,622) in view of Lawler (5,699,107) and in further view of IBM TDB (0018-8689-37-1-609) and in further view of Dougherty (US 6,725,461).

As regards Claims 21 and 23, Nemoto and Lawler jointly disclose the apparatus and method of Claims 1 and 12 but fail to disclose a countdown timer for generating the display signal at predetermined intervals after the reminder display time. Dougherty disclose a countdown timer (the broadcast receiver, fig. 1.120, either extracts a time signal from the broadcast data, fig. 1.117, or contains a clock. The broadcast receiver uses these sources to provide timing functions, col. 8, lines 1-10) for generating the display signal at predetermined intervals after the reminder display time (such as 3 days out, 2 days out, 1 day out, etc., col. 11, lines 8-16).

At the time of the invention it would have been obvious to one skilled in the art to combine the multiple reminder displays of Dougherty, an analogous art, to the reminder system of Nemoto and Lawler because presenting the reminder more than once to the user makes the reminder more effective.

As regards Claims 22 and 24, Dougherty further discloses the means for repeating the generation of the display signal periodically at a known rate (the broadcast receiver, fig. 1.120, contains all the necessary hardware to perform timing functions, col. 8, lines 1-10, and to display reminders to the user, col. 8, lines 34-43).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nemoto (US 5,214,622) in view of Knudson (US 2005/0204388).

As regards Claim 12, Nemoto discloses a method for providing a reminder message to a display comprising entering a reminder message on a handheld device (fig. 4.26 and col. 6, lines 49-54) wirelessly transmitting a signal corresponding to the reminder message (fig. 4.51 and col. 7, lines 5-10); storing reminder messages in a memory device (figs. 2.1 and 4.15 and cols. 4 and 6, lines 61-67 and 45-49); receiving the transmitted signal corresponding to the reminder message (col. 5, lines 6-13); retrieving reminder messages from said memory device at the time selected for display of the reminder information; processing the reminder message to generate a display signal for each retrieved reminder message, the display signal being capable to cause a message corresponding to the respective message to be displayed on a display (fig. 2.2 and cols. 4 and 5, lines 61-67 and 13-18); receiving an audio/video signal (fig. 2.6);

processing the received audio/video signal for presentation on a television display; receiving the display signal; and displaying the information corresponding to a retrieved reminder message on the television display so that it is superimposed on at least a portion of the audio/video signal (fig. 1.11) presented on the television display (fig. 2.8) (col. 5, lines 18-22), at the time determined for display of the reminder information (col. 5, lines 13-18). Nemoto, however, fails to disclose the reminder message comprising reminder information and a time and determining an appropriate reminder message display time based on the content of the reminder information from the entered time that the reminder message is to be displayed to the user. Knudson discloses the reminder message comprising reminder information and a time (such as in fig. 9 and dislosed in paragraph 68) and determining an appropriate reminder message display time based on the content of the reminder information from the entered time that the reminder message is to be displayed to the user (such as by using the lead time, fig. 7.93, and the scheduled program time to determine when to post the reminder, paragraph 59).

At the time of the invention it would have been obvious for one skilled in the art to combine the message display time determining method of Knudson, an analogous art, with the reminder system of Nemoto so that the message is displayed at a time that helps the user remember and ready for the event.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER